

B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Debtor against which claim is asserted: (Check only one box below:)

- ☒ Circuit City Stores, Inc. (Case No. 08-35653)
☐ Circuit City Stores West Coast, Inc. (Case No. 08-35654)
☐ InterTAN, Inc. (Case No. 08-35655)
☐ Ventoux International, Inc. (Case No. 08-35656)
☐ Circuit City Purchasing Company, LLC (Case No. 08-35657)
☐ CC Aviation, LLC (Case No. 08-35658)

- ☐ CC Distribution Company of Virginia, Inc. (Case No. 08-35659)
☐ Circuit City Stores PR, LLC (Case No. 08-35660)
☐ Circuit City Properties, LLC (Case No. 08-35661)
☐ Orbyx Electronics, LLC (Case No. 08-35662)
☐ Kinzer Technology, LLC (Case No. 08-35663)
☐ Courchevel, LLC (Case No. 08-35664)

- ☐ Abbott Advertising, Inc. (Case No. 08-35665)
☐ Mayland MN, LLC (Case No. 08-35666)
☐ Patupesco Designs, Inc. (Case No. 08-35667)
☐ Sky Venture Corporation (Case No. 08-35668)
☐ XSSstuff, LLC (Case No. 08-35669)
☐ PRAIS, INC. (Case No. 08-35670)

NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).

Name of Creditor (the person or other entity to whom the debtor owes money or property):

CENTURY PLAZA DEVELOPMENT CORPORATION

Name and address where notices should be sent:

CENTURY PLAZA DEVELOPMENT CORPORATION
 DOUGLAS W MESSNER
 3890 RAILROAD AVENUE
 C/O SIERRA PACIFIC PROPERTIES INC
 PITTSBURG CA 94565

NameID: 4513405

PackID: 138190

Telephone number:

☒ Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: _____
(If known)

Filed on: 1/30/09

Name and address where payment should be sent (if different from above):

John C. Willisie, Corporate Counsel
 The Seeno Companies
 4021 Port Chicago Highway
 Concord, CA 94520

Telephone number:

(925) 671-7711, ext. 383

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ _____

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2. Basis for Claim: Commercial Lease (Rejection)
 (See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: 421-1

3a. Debtor may have scheduled account as: 3402
 (See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)
 Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other
 Describe:

Value of Property: \$ _____ Annual Interest Rate: _____ %

Amount of arrearage and other charges as of time case filed included in secured claim.

if any: \$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ 1,959,982.56

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date: 2/2/09

Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

David A. Greer, Attorney for Creditor

FOR COURT USE ONLY

Amount entitled to priority:

\$ Reserved

*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



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Circuit City Stores West Coast, Inc. (Tenant)
Case No.: 08-35654

Circuit City Stores, Inc. (Guarantor)
Case No.: 08-35653

AMENDED
Rejection Claim – Century Plaza Development Corporation
Store No. 3402

Pre-petition Rent: \$ 45,092.07
Rejection Claim \$1,914,890.49
\$1,959,982.56

Date of Lease: September 4, 2002
Date of Rejection: January 2, 2009
Lease Expiration: January 31, 2023

Rent reserved based on monthly charges at time of rejection:

Rent	\$57,978.25
Additional rent	5,335.47
Pylon sign rent and charges	540.25
Real Estate Taxes*	<u>6,191.83</u>
	\$70,045.80

Maximum claim based on § 502(b)(6):

Compare: 12 months x \$70,045.80 \$840,549.54

Rent for remaining term with increases:

01/02/2009 – 01/31/2013	\$ 3,098,151.35
02/01/2-13 – 01/31/2018	\$ 4,103,628.00
02/01/2018 – 01/31/2023	<u>\$ 4,432,628.40</u>
	\$11,634,407.75
Plus Pylon sign X 169 months	\$ 91,302.25
Plus Real Estate Taxes X 14 years	<u>\$ 1,040,226.60</u>
	\$12,765,936.60

X 15% = \$ 1,914,890.49

Three years' rent: \$ 2,279,293.92

*Real Estate Taxes 2008/2009: \$ 74,301.90
Divided by 12 months: \$ 6,191.83

Rent due on date of filing:

Balance forward:	\$ 144.08
November's Charges	\$62,773.47
Less Payment	[\$44,327.90]
Real Estate Taxes	\$37,150.95
Less Payment	[\$10,499.18]
Pylon Sign	<u>\$ 364.63</u>
	\$45,092.07

Attachments filed previously are incorporated by reference:

Lease (without Exhibits: available upon request)
Guaranty
Payment History – Lease
Payment History – Pylon

Landlord reserves its administrative claim for any unpaid post-petition, pre-rejection rent and related charges of \$4,761.18.

This amendment reflects real estate taxes and a payment received after January 20, 2009.